

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

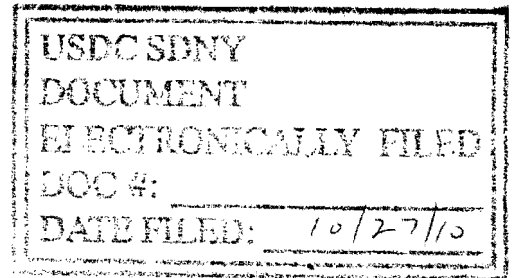
LEON MIDDLETON,

Petitioner,

v.

R. RIVERA, SUPERINTENDENT, COXSACKIE
CORRECTIONAL FACILITY,

Respondent.



05 Civ. 3145 (RO)

ORDER

OWEN, District Judge:

Pro se Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, before Judge Stephen Robinson. Magistrate Judge Smith issued a Report and Recommendation, recommending that the petition be denied. Petitioner timely requested a sixty-day extension to file objections to the Report and Recommendation, and his request was granted by Judge Robinson. Petitioner did not submit objections within sixty-days, and has not submitted objections as of the date of this Order. On August 26, 2010, this case was transferred from Judge Robinson to this Court.

The Court concurs with the Report and Recommendation of Magistrate Judge Smith, and hereby adopts it as the Order of this Court.

SO ORDERED.

October 26, 2010

A handwritten signature in black ink, appearing to read "Richard Owen".

RICHARD OWEN
UNITED STATES DISTRICT JUDGE